

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 16, 1973  
10:00 A.M.

COUNCIL CHAMBERS, CITY HALL

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The meeting was called to order with Mayor Butler presiding.

Roll Call:

Present: Mayor Butler, Councilmen Dryden, Binder, Mayor Pro Tem Love,  
Councilmen Friedman, Handcox  
Absent: Councilman Lebermann

The Invocation was delivered by REVEREND THOMAS WHITCOMB, Trinity United Church of Christ.

SPECIAL RECOGNITION

Councilman Binder announced that Mr. Joe Vining, Texas Spokes Sports Car Club coordinator, is here in the interest of a race being held in Austin this week end. Councilman Binder read the Resolution citing The Texas Spokes Sports Car Club had worked tirelessly to achieve self fulfillment through contests of men and machine; constantly aware of the duty of representing the City of Austin in the most impeccable manner, be it on the Streets or Highways of Texas or the Nation; and that portion of Riverside Drive being used as a part of the course for the Rivers City Road Races be known to all citizens of Austin and the State of Texas, as "SPOKES AVENUE" on August 19, 1973, and that residents of Austin and the State be urged to join the City Council in honoring the members of the Texas Spokes Sports Car Club for their zeal in sportsmanship. The Resolution was signed by Mayor Butler, Mayor Pro Tem Love and all Council Members.

Councilman Binder noted that a Citation would be given to Green Valley Race Association for their assistance in helping to bring this worthwhile event, which has received National recognition.

## PROCLAMATION

Councilman Friedman read a proclamation designating October 9, 1973 as "DAY IN COURT FOR LEGAL SECRETARIES" in the City of Austin, and urged all legal secretaries to avail themselves of this opportunity to learn more about their profession.

## ON THE JOB TRAINING PROGRAMS FOR VETERANS

Councilman Friedman presented the report from Mrs. Beatty to Mr. Davidson on up-to-date information about on-the-job-training programs available to Veterans in the City of Austin. He said that there had been some question raised about the fact that the City has not had a lot of on-the-job-training programs available to the Veterans, and that this is being looked into. The program now is moving along, and some of the veterans who had been employed by the City thought it was important that everyone know that this project has been started and they wanted to thank Mrs. Beatty for her help.

## LICENSE AGREEMENT

Mayor Pro Tem Love moved the Council adopt a resolution granting a license agreement for the following:

ELGIN-BUTLER BRICK COMPANY - proposed encroachment of future construction of a building across an existing ten (10.00) foot drainage easement at Lots 1 and 3, Block 10, Plainview Heights and Lots 1, 6, 7, 8, 9, and 10, of the resubdivision of the north one-half of Block 9 and the west one-half of Block 10, Plainview Heights. (Applicant: Martin Butler, Executive Vice President of Elgin-Butler Brick Company)

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Butler, Councilmen Dryden, Binder, Mayor Pro Tem Love, Councilmen Friedman, Handcox

Noes: None

Absent: Councilman Lebermann

## PROFESSIONAL COLLECTION SERVICES

Councilman Dryden moved the Council select MERCHANTS AND PROFESSIONAL BUREAU, INCORPORATED as professional collection services to Brackenridge Hospital.

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Dryden, Binder, Mayor Pro Tem Love, Councilmen Friedman, Handcox, Mayor Butler

Noes: None

Absent: Councilman Lebermann

## CONTRACTUAL AGREEMENT POSTPONED

The Council postponed for one week the following Agenda item:

Authorizing the City Manager to enter into a contractual agreement with Pro-Managers for the following:

- a. Jimmy Clay Golf Course
- b. Morris Williams and Municipal Golf Courses

## SUPPLEMENTAL AGREEMENT

Mayor Pro Tem Love moved the Council adopt a resolution authorizing a supplemental agreement to the Contract between the Humane Society and the City dated March 1, 1971, to pay each month to the Society a sum of \$3,000 instead of \$1,200 for services rendered, as approved by the City Council in the City's 1972-1973 fiscal year. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilman Binder, Mayor Pro Tem Love, Councilmen Friedman, Handcox, Mayor Butler, Councilman Dryden  
 Noes: None  
 Absent: Councilman Lebermann

## SALE OF STRUCTURE

Mayor Pro Tem Love moved the Council adopt a resolution approving the sale of structure as follows:

Accept Negative Bid - To Be Demolished

DUSTY RHODES	1300 Sabine	\$277.00
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The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Friedman, Handcox, Mayor Butler, Councilmen Dryden, Binder,  
 Noes: None  
 Absent: Councilman Lebermann

Councilman Lebermann enters at this time.

## CASH SETTLEMENT

Councilman Handcox moved the Council adopt a resolution authorizing cash settlement as follows:

SHARON GIBLIN - for water and wastewater utility installation in Manchaca Estates, Resub. of Lots 6, 7, and part of 5, Block 6. Estimated cost of water service installation is \$835.00 - Owner's share @ 40% is \$334.00, City's share @ 60% is \$501.00. Estimated cost of sewer main extension is \$2,250.00 - Owner's share @ 40% is \$900.00, City's share @ 60% is \$1,350.00.

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilman Dryden,  
Mayor Pro Tem Love, Councilman Lebermann  
Noes: Councilmen Binder, Friedman

#### ACQUISITION OF CERTAIN LAND

Mayor Pro Tem Love moved the Council adopt a resolution authorizing the acquisition of certain land for South 1st Street Bridges at Williamson Creek:

4600-4700 Blocks South 1st Street (Partial Acquisition)  
Robert L. Bales and Robert J. Bass

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Butler, Councilmen Dryden, Binder, Mayor Pro Tem Love,  
Councilmen Lebermann, Friedman, Handcox  
Noes: None

#### CANCELLATION OF CONTRACT

Councilman Lebermann moved the Council adopt a resolution authorizing cancellation of the contract with Ed H. Page (Deceased) for three reinforced concrete culverts in Peppertree Park, Section 3 Subdivision. This project is Capital Improvements Program Project No. 6539 3 and was awarded on March 22, 1973 at a low bid cost of \$47,810.83. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Dryden, Binder, Mayor Pro Tem Love, Councilmen Lebermann,  
Friedman, Handcox, Mayor Butler  
Noes: None

#### PROFESSIONAL CONSULTANTS

Councilman Friedman moved the Council approve the selection of the following professional consulting engineering services for the following Capital Improvements Program Projects:

- a. BOVAY ENGINEERS, INC. - East Austin Community Development Improvement District No. 3 - Projects Nos. 6236 3, 4036 3, and 5036 3.

- b. LOCKWOOD, ANDREWS, & NEWMAN - East Austin Community Development Improvement District No. 4 - Projects Nos. 6236 4, 4036 4, and 5036 4.

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilman Binder, Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox, Mayor Butler, Councilman Dryden

Noes: None

#### MANPOWER TRAINING PROJECT

Mayor Pro Tem Love moved the Council adopt a resolution authorizing a contract with the Department of Labor to operate the Neighborhood Youth Corps In-School Program, a manpower training project which will provide 191 training slots to high school students at a cost of \$142,110 (DOL) and a non-federal requirement of \$16,138 in-kind services. The term of contract is from August 27, 1973 through May 18, 1974. The program will be delegated to Williamson-Burnet Counties Opportunities, Inc. (CAA) for operation. (Total cost - \$158,248). The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox  
Mayor Butler, Councilmen Dryden, Binder

Noes: None

Mayor Pro Tem Love moved the Council adopt a resolution authorizing a contract with the Department of Labor for operation of Neighborhood Corps In-School program, a manpower training program for high school students. The project will provide 220 slots at a cost of \$163,372 (DOL) and a non-federal share of \$18,810 to be provided in-kind services. Contract will run from August 27, 1973 to May 18, 1974. It will be operated directly by Department of Community Action. (Total cost - \$182,182). The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Lebermann, Friedman, Handcox, Mayor Butler,  
Councilmen Dryden, Binder, Mayor Pro Tem Love

Noes: None

#### HEARINGS SET

Mayor Butler introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION

OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:00 O'CLOCK A.M. ON THE 13TH DAY OF SEPTEMBER, 1973, IN THE COUNCIL CHAMBER OF THE CITY HALL OF AUSTIN, TEXAS, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE.

Councilman Dryden moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Mayor Butler, Councilmen Dryden, Binder, Mayor Pro Tem Love, Councilman Lebermann  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:00 O'CLOCK A.M. ON THE 13TH DAY OF SEPTEMBER, 1973, IN THE COUNCIL CHAMBER OF THE CITY HALL OF AUSTIN, TEXAS, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS TO GIVE NOTICE OF SAID HEARING AS REQUIRED

BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE.

Councilman Dryden moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Binder, Mayor Pro Tem Love, Councilmen Lebermann, Friedman  
Noes: None

The Mayor announced that the ordinance had been finally passed.

#### SPEED ZONES

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING SECTIONS 21-42 AND 21-43 OF THE CODE OF THE CITY OF AUSTIN, 1967, MAKING CERTAIN DELETIONS AND ADDITIONS TO SAID SECTIONS, THEREBY DECLARING THE MAXIMUM PRIMA FACIE SPEED LIMITS UPON CERTAIN STREETS AND HIGHWAYS WITHIN THE CORPORATE LIMITS OF THE CITY OF AUSTIN, PURSUANT TO AND IN ACCORDANCE WITH THE PROVISIONS OF THE "UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS" (VERNON'S ANN. CIV. ST., ART. 6701d), REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Handcox moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Mayor Butler, Councilmen Binder, Lebermann, Friedman, Handcox  
Noes: None  
Out of Room at Roll Call: Councilman Dryden, Mayor Pro Tem Love

The Mayor announced that the ordinance had been finally passed.

#### REFUND CONTRACTS

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO CERTAIN REFUND CONTRACTS WITH PRINGLE REAL ESTATE, INCORPORATED AND NORTH HILLS COMPANY, PARTNERSHIP; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Lebermann moved the Council waive the requirement for the reading of ordinances on three separate days, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Dryden, Mayor Pro Tem Love, Councilmen Lebermann, Handcox, Mayor Butler  
 Noes: Councilmen Binder, Friedman

The Mayor announced that the ordinance had been finally passed.

#### ANNEXATION ORDINANCE

Mayor Butler introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 113.75 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE WILLIAM CANNON LEAGUE, AND 5.65 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE WILLIAM CANNON LEAGUE; ALL BEING LOCATED IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Lebermann moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Binder, Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox, Mayor Butler  
 Noes: None  
 Out of Room at Roll Call: Councilman Dryden

The Mayor announced that the ordinance had been finally passed.

#### ZONING ORDINANCE

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

- (1) A 2.857 ACRE TRACT OF LAND, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, SIXTH HEIGHT AND AREA DISTRICT; AND
- (2) A 0.178 ACRE TRACT OF LAND, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT;

LOCALLY KNOWN AS 8515-8525 NORTH LAMAR BOULEVARD; ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Lebermann moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox  
Mayor Butler, Councilman Binder  
Noes: None  
Out of Room at Roll Call: Councilman Dryden

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
(1) LOT 1, BEN WHITE CENTER AMENDED, SAVE AND EXCEPT, THE NORTHERNMOST THIRTY-FIVE FEET, FROM "A" RESIDENCE DISTRICT AND "GR" GENERAL RETAIL DISTRICT TO "GR" GENERAL RETAIL DISTRICT; AND  
(2) THE NORTHERNMOST THIRTY-FIVE FEET OF LOT 1, BEN WHITE CENTER AMENDED, FROM "A" RESIDENCE DISTRICT AND "GR" GENERAL RETAIL DISTRICT TO "B" RESIDENCE DISTRICT;  
LOCALLY KNOWN AS 1301-1307 MORGAN LANE; 1300-1318 WEST BEN WHITE BOULEVARD; AND 4100-4108 BANISTER LANE; ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Lebermann moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Lebermann, Friedman, Handcox, Mayor Butler  
Councilman Binder, Mayor Pro Tem Love  
Noes: None  
Out of Room at Roll Call: Councilman Dryden

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
LOT "A", REALTOR PARKWAY, LOCALLY KNOWN AS 4016-4108 MEDICAL PARKWAY, FROM "A" RESIDENCE DISTRICT AND "LR" LOCAL RETAIL DISTRICT TO "O" OFFICE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Lebermann moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Mayor Butler, Councilman Binder,  
Mayor Pro Tem Love, Councilman Lebermann

Noes: None

Out of Room at Roll Call: Councilman Dryden

The Mayor announced that the ordinance had been finally passed.

#### REFUND CONTRACTS

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO CERTAIN REFUND CONTRACTS WITH NORWAL, INCORPORATED; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Lebermann moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilman Dryden, Mayor Pro Tem Love, Councilman Lebermann

Noes: Councilmen Binder, Friedman

The Mayor announced that the ordinance had been finally passed.

#### ITEM NOT TAKEN UP

The item of the Austin Public Library Commission - suggestions for naming the new Branch Library in South Austin was not taken up at this time.

#### LICENSE AGREEMENT

Mr. Homer Reed, Deputy City Manager, stated this property was acquired for East Riverside Drive right of way. The City's normal policy on letting such property being used by adjoining property owners is to charge a lease fee based on the assessed value of the adjoining property.

Mr. Morahan stated the fee set on this property was one percent per month, based on the value of the adjoining land for tax purposes. The request for the use of this land was for additional parking and for adding more stools in the bar, all on a temporary basis. No extension of the building would be allowed.

Deputy City Manager Reed stated his recommendation followed the policy of basing the fee on the tax value of the adjoining property. Mr. Morahan stated the market value would be about \$2.50 a square foot, and this license covers 8,000 square feet, amounting to \$20,000. He pointed out several ways to calculate a rental. In answer to Mayor Butler, Mr. Morahan stated this license would provide 15 spaces. In this case he used one percent per month based on the tax value.

Deputy City Manager Reed stated he would like to recommend a higher rental rate. Councilman Handcox stated that Deputy City Manager Reed and the staff should have an opportunity to look into these particular matters.

Mayor Butler suggested that Mr. Reed visit with the applicants and come back before the Council, and he instructed that this item be placed on the Agenda for the next week. (August 23, 1973).

Mr. Garrison, represented Mr. Greenfield who owns the Back Room, a club with a restaurant. Only a portion of the additional parking spaces would be allocated to the Back Room, the others being allocated to another 2400 square foot area adjoining the building which will be a coffee shop. Mr. Garrison stated they would like to pave the area, organize it for parking, and get the parking off City right of way. Councilman Dryden stated if the City was not going to need this property, that it should be sold on bids, and get it back on the tax rolls. He suggested that the Traffic Engineer, and the Director of Public Works be asked to determine whether or not this land was to be needed in the future. It was stated that although plans for Riverside Drive have not been adopted, and it is not believed that the City would need the land, it is advantageous to wait until the final determination is made before vacating the area.

#### CONCERNED CITIZENS - SHOAL CREEK

Mr. Jerry Liston, 6300 Shoal Creek Boulevard, stated the Concerned Citizens for Shoal Creek had signed a petition with over 650 signatures. The petition requests that a hearing be held for clarification of what the City plans for the Creek. He understood the City plans channelization of portions of Shoal Creek as a flood control measure. Many neighbors had received notification that their property is included in the next phase of channelization between White Rock Drive and Shoal Creek Boulevard to prevent flooding and erosion. He mentioned a number of the problems and expressed appreciation that the City Engineering Department was trying to do something about it. The citizens are seriously concerned as they feel there is a clear danger that actions currently planned, as announced to them, will create more problems than would be solved. Mr. Liston read the petition as follows:

We, the undersigned, believe that the expressed policy of the City of Austin's Capital Improvements Program concerning Shoal Creek is only a symptomatic approach to the problem of rainfall runoff and flooding along its watershed. The present process of channelizing the streambed is not only a temporary remedy in the immediate area of channelization, but it is also an action which accentuates flooding conditions downstream from the channelized portion as well as speeding erosion upstream, thus requiring further expenditures of taxpayer's money for more extensive corrective measures at a later date.

Channelization measures, either proposed or presently in use along Shoal Creek, also extract further costs from the residents of Austin by the unnecessary sacrifice of one of Austin's most scenic assets.

Therefore, we, as citizens of Austin, respectfully request that the City Council voluntarily impose a moratorium on all channelization activities until such time as a public hearing on flood control and other policies relative to Shoal Creek can be held. It is further requested, that such hearing be held only after thirty (30) days advanced public notice is given.

The citizens asked that if the Council should decide a hearing is needed, that it be held in the evening in a sufficiently large area some thirty (30) days hence. Councilman Friedman assured Mr. Liston that there would be a hearing on the Shoal Creek request before anything would be done on Shoal Creek. Mayor Butler stated the hearing would include other items as well when it would be held.

Councilman Handcox, at this time, wanted to discuss other tributaries, recognizing this would entail the total plan, not just the Shoal Creek area. His concern was what would happen downstream. Mayor Butler stated the City Manager had a presentation and asked if such could be set up on a staff level and would the neighborhood be interested. Then, if there were further questions, the group could come back before the Council. Councilman Friedman suggested that Mr. Liston might want to meet with Mr. Les Gage, Chairman of the Board of Natural Resources and Environmental Quality.

Councilman Lebermann called attention to the Master Drainage and Flood Management Studies underway. Deputy City Manager Reed stated the presentation was available now and related specifically to the problems involved in this particular section of Shoal Creek as well as its effects on the downstream area. Deputy City Manager Reed stated there is a serious problem involved in that when heavy rains occur, there could be water in the homes in various areas. He emphasized the necessity of proceeding without delay. The group was told the staff would be glad to help work with the residents to find an agreeable solution. Mayor Butler asked the group to meet with the staff, hear the presentation; and then should the group still want a public hearing, the Council would call such a hearing. Councilman Dryden concurred, but did not want it scheduled as a night meeting.

#### PLEA FOR TREE PROTECTION

Mrs. Margaret Hoffman appeared before the Council at this time regarding trees and encouraged support from many organizations to "THINK TREES." She read a statement citing a request to the City Council for the endorsement of and cooperation in a campaign to "THINK TREES" and said this was the time to create a tree awareness by all the public to become more conservation minded. Her plan is to launch a campaign to "THINK TREES" noting many huge trees were victims to bulldozers. Those trees of a 100 years old should receive a permanent medallion for a particular historical event or site. The campaign included bumper stickers as well as leaflets with facts, figures and pictures. She was hopeful that there would be a development of a tree protection plan providing actual legal leverage. She expressed gratitude for the interests of the City Government as well as from the citizens in matters concerning environment as manifested by the creation of the

Citizen's Board of Natural Resources and Environmental Quality as well as the Austin Neighborhood Council.

Mrs. Hoffman filed the statement she read before the Council and endorsements by the Women's Environmental Coalition, the Citizen's Board of Natural Resources and Environmental Quality signed by Mr. Les Gage, the Sierra Club, Mr. Thomas R. Cowdenk, Mrs. Fagan Dickson, the Travis Audubon Society, Mr. Richard W. Tims, President, and others. Mrs. Hoffman asked if the City mail could be post-marked with "THINK TREES". She had made arrangements for bumper stickers to be placed in the utility billings and medallions for the trees. She asked Council approval to save all trees and to have a "THINK TREES WEEK". Councilman Friedman asked if she were asking for financial assistance or help in printing at some city expense. Councilman Dryden stated this Council has gone on record many times and met with department heads and developers, along with planners, to make efforts to save trees. He suggested that Mrs. Hoffman work through the Department of Environmental Resources Management Office, Mr. Henry, and let Mr. Henry bring a report to the Council. Councilman Friedman also suggested that she meet with Mr. Henry and a representative of the City Manager's Office and get an idea of what some of the costs would be.

Councilman Lebermann stated a resolution could be developed for "THINK TREES WEEK". Mayor Pro Tem Love asked Mrs. Hoffman to visit with Mr. Henry through Mr. Reed's office and then check back later. Mrs. Hoffman closed her presentation with the poem, "TREES". Mrs. Hoffman was to meet with Mr. Henry and contact Mr. Coates regarding the resolution.

#### CEDAR PARK WATER SUPPLY CORPORATION

Mr. Sidney Purser, representing the Cedar Park Water Supply Corporation, appeared to try to solve a serious problem for a number of residents in the Cedar Park Area. The Corporation started out with 87 users and now has over 1,000. The incorporation of the area seems to be in conflict with the water contract with the City; and for six months, the Cedar Park Water Supply Corporation has been dealing with F.H.A., (the Agriculture Department) and the funds have been arranged, \$2 million to extend a line to L.C.R.A. The engineering is 99% complete. It will take about eight or nine months to finish the project. He asked the Council to allow them to continue in the same manner in which they have been until they complete the project.

Mayor Butler asked if connections were still being made, even after the City Attorney had notified him. After he had talked with the Assistant City Attorney he offered to not make any new starts or connections. Prior to that time, customers would apply for a tap, and it might be four or five months before the house was completed. He promised no more new starts until they could be made through this arrangement. Mr. Purser stated a misunderstanding arose this week end as to timing.

Mayor Butler inquired about the injunction against the City of Austin.

Mr. Purser contacted the President, Mr. Kenneth Bell, stating they were going before the City Council at this time. This week end the water was cut off and the people were without water for two or three hours. Another Attorney had filed a temporary restraining order, unaware to him. He understood everything would be held up until he appeared before the Council.

The Mayor asked Mr. Purser why he allowed the City of Cedar Park to incorporate and violate the City contract. Mr. Purser, the appointed attorney for the Water Supply Corporation of Cedar Park, said he knew nothing about the incorporation until the day before the vote was to be taken. He does not represent the City of Cedar Park, he represented the Cedar Park Water Supply Corporation. He stated Mr. Bolton represents the City of Cedar Park.

Mayor Pro Tem Love asked about the recommendation the Administration would make. Deputy City Manager Reed stated the recommendation is that they proceed with the action formerly approved to follow the contract and to provide the maximum amount of water specified in that contract.

Mr. Purser stated if the Council grants them the right to proceed for the next eight months until they could get their project completed, the suit would become moot. He stated if the City proceeds with the contract, about 1,000 people would be without water. He stated there was no bad intent.

Councilman Friedman asked about the 50 gallons per minute as provided in the contract. Mr. Purser stated the amount had been about 100 gallons per minute for some time. It was stated the bill for last month was \$1,700.00. It had been about 100 gallons for a long time.

The Council had a request from Mr. Bolton to increase the water supply as they wanted to add more territory to the system. The Council did not approve the request as it was studying the entire situation of offering City services to areas outside of the City limits. After that, they proceeded with incorporation.

Councilman Dryden inquired why the City was being sued. The City Attorney stated Cedar Park was asking for an injunction to stop the City from cutting them back to the contract level. Councilman Dryden stated he was for the City of Austin to help Cedar Park residents with their water, but he did not think it was too smart for the City of Cedar Park on one hand to sue the City; and then on the other hand, ask for more water. Mr. Purser stated that Mr. Bell and he were under the impression that the matter would be in abeyance until this meeting today. His request was 100 gallons per minute until they could complete the project and submit full reports on what they were doing and the suit would be moot. Councilman Dryden asked that the suit be dismissed today.

Mr. Bolton stated his involvement was with only the Water Supply Corporation. He did file the restraining order, and he had conversed with Assistant City Attorney Wolf and they were in agreement that the suit would be dismissed as soon as they had the assurance it could be worked out.

Mayor Butler asked if the City of Austin did work out something to cooperate with Mr. Bolton, how would the City have an incentive that the water supply system was completed. Members of the Council suggested a penalty bond in such a case. Mr. Purser stated Cedar Park Water Supply Corporation was not a Water District, but a non profit corporation, receiving their funds from the Federal Government on a 39 month loan at 3%. The minimum water bill is sufficient to retire that loan. Mr. Purser and the Council discussed this situation at length.

Mr. Purser stated he estimated using 100 gallons per minute.

Mayor Pro Tem Love asked for the recommendation.

Mr. Don Wolf, Assistant City Attorney, stated some of the records he had did not indicate the high usage as Mr. Purser had. Their use for 1972 averaged 75 gallons per minute which is less than the Corporation maintained. It would be his position to recommend that if they would guarantee that they would not add any new taps; and if any were shut off that they would leave them shut off; restrict car washing; filling swimming pools; lawn watering; etc., they could get by with less water than they are using now and it might be advisable to proceed for a short period of time. He suggested that this time not exceed the eight months time for completion.

Mayor Butler stated the City of Cedar Park had chosen to go their own way by incorporating, and chose to take on the responsibilities of a City. He stated he was not concerned by the amount of water, but with their compliance with the contract.

After discussing these various items, Mayor Butler suggested that this be heard later and give each group a change to look into the items they brought up. Mr. Reed asked for the guidance of the Council as to how to proceed with the law suit.

Mr. Purser asked the Council again to let them proceed as they had been until they finished. Mayor Butler stated that Mr. Purser, the City Attorney and the City Manager would work something out and come back next week.

This item will be continued next week.

#### GOALS ASSEMBLY

Planning Director Dick Lillie distributed a memorandum to the Council listing appointments to the Goals Assembly. The first meeting is tentatively scheduled on September 8th and 9th, and letters would be mailed the next day to contact those nominated, to see if they would agree to serve. Mayor Butler asked each Councilman to sign an individual letter mailed to the prospective members. Mayor Butler stated each Councilman should have submitted by now about 36 names. Mr. Lillie discussed the profile and distribution.

SECOND READING - ORDINANCE TO ALLOW LATER HOURS FOR  
THE SALE OF ALCOHOLIC BEVERAGES

Mayor Butler brought up the following ordinance for its second reading:

AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF THE CITY OF AUSTIN, 1967, ADDING THERETO A NEW SECTION PROVIDING FOR THE HOURS DURING WHICH THE SALE, CONSUMPTION, OR POSSESSION OF BEER OR MIXED BEVERAGES IS PERMITTED; AND DECLARING AN EMERGENCY.

The ordinance was read the second time and Mayor Pro Tem Love moved that the ordinance be passed to its third reading. Councilman Binder seconded the motion.

In discussion to the motion, Mr. Phillip Perry expressed opposition to the Ordinance, as its passage would be detrimental to physical and moral health, and other reasons, stating this would not be for the well-being and protection of citizens. He opposed the radio announcement broadcasts over local radio stations advertising the recent Aqua Carnival and stating that beer would be served. (This advertisement was not sponsored by the City of Austin)

Mr. Bill Irvin, Superintendent of Missions for the Austin Baptist Association, stated he represented a group of people living in the City, who pay taxes, and should be heard in this respect. He read a note expressing concern for human suffering and the dignity of human life as basic Christian principles, and gave statistics as to deaths involving drinking drivers, and listed tragedies and trends as involving alcohol. He presented a copy of the Resolution adopted by the Austin Baptist Association.

Opposition was expressed by Mr. Donald Bell for safety reasons. Mrs. Helen Hardcastle expressed strong opposition to the extension of hours for selling alcoholic beverages. Mrs. Evangeline Bowman did not think it fair for the Council to vote on an issue so desperately concerning every family, man, woman, and child. Specifically she resented having these dives open on God's day.

Mrs. E.C. Leifeste, member of Koenig Lane Christian Church, sent in a statement in opposition to the passage through the second reading of the ordinance allowing later hours for the sale of alcoholic beverages. This communication became a part of the Minutes of this day.

The motion carried by the following vote:

Ayes: Councilman Binder, Mayor Pro Tem Love, Councilmen Friedman, Handcox  
Noes: Mayor Butler, Councilmen Dryden, Lebermann

LOST CREEK TEMPORARY WATER SUPPLY

Mr. Dick Rathgeber appeared before the City Council to request approval of a proposed contract between the City of Austin, Water District No. 10 and the Lost Creek developers for a temporary water supply for approximately 4 years. The

water is needed now so that water and sewer lines can be tested, and also gas lines can be put in, and streets paved to the Country Club. Mr. Homer Reed, Deputy City Manager, explained that a 3-way contract had been prepared today through which the initial water supply would be provided. There would be one additional agreement that would have to come back at a later time, and Mr. Rathgeber had signed a letter that he would agree to whatever was worked out in this amendment. This would cover what the developer would pay for the benefit of the utility district, and items covered in the policy statement adopted in principle by the Council last week. Mr. Rathgeber agreed to modify his contract to include drainage, interim interest cost, and other such concepts.

Councilman Dryden moved the Council adopt a resolution approving the proposed contract and that the existing contract be amended to delete the ability to sell bonds covering items that have been agreed to with all the other people. The motion, seconded by Councilman Handcox, carried by the following vote:

- Ayes: Mayor Pro Tem Love, Councilman Handcox, Mayor Butler, Councilmen Dryden, Binder
- Noes: None
- Present but Not Voting: Councilmen Friedman, Lebermann

CONSIDERATION OF PROPOSED REVENUE SHARING BUDGET

Deputy City Manager Reed presented the requests for which the Council had asked at the informal discussion of the Revenue Sharing Budget. It was his understanding that one request was withdrawn, four withheld from further consideration at this time, and the remainder are on the Agenda to be discussed at this meeting.

Three memorandums were submitted, one having to do with the Charter Bus item; one concerning the bridge replacement program; and another concerning the major green belt acquisition.

A second memorandum from Director of Parks and Playgrounds, Mr. Beverly Sheffield, was received regarding the Senior Citizens Program and the Advisory Board request.

The Mayor stated the Council informally supported the recommendation of the Administration against funding the following:

- Big Brothers of Austin.....\$10,500
- Concerned Citizens for Development  
of West Austin.....\$ 6,075
- Home of the Holy Infancy.....\$20,000
- Legal Aid and Defenders Society.....\$14,600

Mr. Bobby Taylor, Acting Director of Legal Aid and Defenders Society, inquired about the funding. Councilman Binder explained these funds would not be needed until April 30th, and that Mr. Taylor should come back at that time. Councilman Friedman stated funding was available until April 30; and sometime after the first of the year, this item could be financed with Revenue Sharing money coming in, should other Federal money not be granted. The application is to be kept on.

The following requests were approved informally:

Austin Drug Central.....\$15,000  
 Caritas.....\$34,320

Caritas was discussed as to some modification of the \$34,000 request; however, the Councilmen agreed to leave the Caritas figure at the requested level.

Child and Family Services.....\$24,404

Discussion covered the two agencies; the Teenage Parents Council, a gathering center, and Child and Family Services. Consultation and advisory would be retained for one year and the Teenage Parents Council would be deleted (\$18,000).

Community Development Corporation  
 Consumer Counselling.....\$18,000

Discussion was that the \$30,000 was too much. Mayor Butler and Councilmen Handcox and Lebermann concurred.

Councilman Lebermann moved the Council approve the amount of \$18,000 for Community Development Corporation Consumer Counselling. Councilman Friedman seconded the motion.

Mr. Joe Weaver, a Legal Aid Attorney, working with Consumer Counselling was present in the interest of the program. Mayor Butler made a number of inquiries; if Mr. Weaver had contacted the County for funds, and if he would move to a more central location if the program were funded. Mr. Weaver stated he would certainly move.

At this point, the Assistant City Attorney, Mr. Jerry Harris, reported that Mr. Don Bird is their Consumer-Vendor Officer and is keeping fairly busy. It appears this organization is probably going to be broader than the consumer type services that their office handles.

#### SUBSTITUTE MOTION

Councilman Dryden offered a substitute motion that the Council approve the Consumer Counseling Service be granted \$10,000. The motion died for lack of a second.

Mayor Butler asked if the Council could receive a running report in 90 days to six months. Mr. Weaver agreed to report to the Council at any time.

Councilman Lebermann's original motion carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Binder,  
 Councilmen Lebermann, Friedman

Noes: None

Out of Room at Roll Call: Mayor Pro Tem Love

Hotline Crisis Center.....\$10,000  
(This has already been approved)

Senior Citizens Advisory Board

Mr. Reed had provided the Council members with a memorandum from Mr. Sheffield. Two of the four programs recommended by the Senior Citizens Advisory Board are already provided for in his operating budget. The other two programs recommended by the Advisory Board would be new sites in addition to the four and numerous other related activities now operated by the Recreation Division. Since this is a continuing salary item for City employees, this could not be recommended as a part of the Revenue Sharing Budget. Councilman Friedman stated two out of the four requested programs are going to be picked up now. These could be deleted from the Revenue Sharing.

Mr. Reed stated the other two would not be recommended at this time, as they are continuing to develop their program for the elderly as budget funds would permit. They would recommend them in the future.

MH-MR.....\$30,000

Mayor Butler stated that the staff had recommended funding the Methadone program for three months at a cost of \$30,000. The amount requested was \$87,150.

MOTION

Councilman Lebermann moved the Council uphold the staff's recommendation to support the Methadone program at a budget of \$30,000 for three months.

SUBSTITUTE MOTION

Councilman Dryden offered a substitute motion that the Council budget \$50,000 for the program. The motion, seconded by Councilman Binder, failed to carry by the following vote:

- Ayes: Councilmen Dryden, Handcox, Binder
- Noes: Councilmen Friedman, Hebermann, Mayor Butler
- Out of Room at Roll Call: Mayor Pro Tem Love

ORIGINAL MOTION

The original motion, seconded by Councilman Friedman, carried by the following vote:

- Ayes: Councilmen Handcox, Binder, Lebermann, Friedman, Mayor Butler, Councilman Dryden
- Noes: None
- Out of Room at Roll Call: Mayor Pro Tem Love

Mayor Butler stated that the staff would need to know where \$161,562 dollars would be cut from the budget. The Deputy City Manager noted that the revenue sharing budget contained a contingency item of \$62,000 so at least \$100,000 needed

to be made up. He suggested that the second year funding for Neighborhood Tennis Courts be deleted at this time and approved later. Councilman Friedman suggested, instead, that the City not buy five additional busses, but buy two and lease three

After some additional discussion among the Council, Mayor Butler introduced the following ordinance:

AN ORDINANCE ADOPTING AND APPROVING THE BUDGET FOR REVENUE SHARING FUNDS ALLOCATED TO THE FISCAL YEAR BEGINNING OCTOBER 1, 1972, AND TERMINATING SEPTEMBER 30, 1973, AND MAKING APPROPRIATIONS OF SUCH FUNDS FOR VARIOUS DEPARTMENTS, PROJECTS AND ACCOUNTS; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Dryden moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Mayor Butler, Councilmen Dryden, Binder, Lebermann, Friedman, Handcox

Noes: None

Out of Room at Roll Call: Mayor Pro Tem Love

The Mayor announced that the ordinance had been finally passed.

ADJOURNMENT

The Council then adjourned.

APPROVED: 

Mayor

ATTEST: \_\_\_\_\_

City Clerk